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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/606,405	06/25/2003	Charles M. Ortega	PA2441US	5652
22830	7590	10/05/2004	EXAMINER	
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			MAI, TRI M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,405

Examiner

Tri M. Mai

Applicant(s)

ORTEGA, CHARLES M.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the detail structures required to allow the handle extending upward via the button in claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claims 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that

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the inventor(s), at the time the application was filed, had possession of the claimed invention. It is unclear how the release button couple to allow the handle to extend upward. See drawing objections above.

Claim Rejections - 35 USC § 102/103

3. Claims 1-5, 7-12, 16, 20, 21-24, and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Engelhardt et al. (2002/0033583). Engelhardt teaches a golf bag having an enclosure an opening, a base, wheels and an extensive handle.

Regarding claims 2 and 12, "inline skate wheel" and "skateboard wheel" are broad. The term does not impart any structure over the wheels in Engelhardt.

Regarding claim 3, note the bearing and axle system at 18, 9', and 9''.

Regarding claim 5, note the stand 6.

Regarding claim 7, note the front support rail at 17'.

Regarding claim 8, note the extension rail 17 coupled to front support rail and the extendable handle.

Regarding claim 10, note the collar section 4.

Regarding claim 11, note the cradle portion 17'' for receiving the handles.

Regarding claim 28, note the guard 17' coupled to the opening.

4. Claims 12, 15, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engelhardt in view of De Michele (6330944). It would have been obvious to one of ordinary skill in the art to provide inline skate wheels that do not extend beyond the opening in Engelhardt as taught by De Michele to provide wheels to the bag.

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5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Engelhardt in view of Hamamori (2002/0043474). It would have been obvious to one of ordinary skill in the art to provide kick plates 20 in Engelhardt as taught by Hamamori to provide added stability and/support.

6. Claims 15, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engelhardt in view of Embinder (4012051). It would have been obvious to one of ordinary skill in the art to provide wheels that do not extend beyond the opening in Engelhardt as taught by Embinder to provide alternative wheels to the bag.

7. Claims 1-3, 6, 13, 15, 17-19, 25, and 27 rejected under 35 U.S.C. 102(b) as being anticipated by Berliner et al. (6056301). Berliner teaches a bag with an enclosure, a base, wheels, and extendable handle.

Regarding claim 6, note the button 44.

Regarding claim 13, note the slope at portion 24.

Regarding claim 15, note the wheels do not extend beyond the perimeter.

8. Claims 1, 3, 17, 20-24, 27, and 28 rejected under 35 U.S.C. 102(b) as being anticipated by Wilson (2629609). Wilson teaches a bag with an enclosure, a base, guards 27 coupled to the collars, wheels, and extendable handle.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
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